

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

E-DATA

Plaintiff,

v.

CINEMARK USA ET AL.

Defendants.

ORIGINAL

Civil Action No. 05-CV-04616 (BSJ)(FM)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

FILED: 12-27-05

STIPULATION OF DISMISSAL

Plaintiff E-Data Corporation ("E-Data") and Defendant Amazon.com Inc. ("Amazon.com") file this stipulation of dismissal under Fed. R. Civ. P. 41(a)(1)(ii) whereby E-Data moves to dismiss the suit with respect to Amazon.com who agrees to the dismissal. E-Data has not dismissed an action based on or including the same claims as those presented in this suit with respect to Amazon.com.

E-Data and Amazon.com stipulate that (1) this dismissal is with prejudice, (2) each party shall bear its own attorneys' fees and costs and (3) E-Data has not released, and nothing herein shall be construed as a release or discharge of, any claim E-Data has or may have in the future against any other Defendant named in this action.

Dated:

16 Dec 05

so o :  
*Frank Mazzoni*  
12/27/05

Respectfully submitted,

By:

Richard D. McLeod (*pro hac vice*) RM 160  
KLARQUIST SPARKMAN LLP  
One World Trade Center  
121 S.W. Salmon Street, Suite 1600  
Portland, Oregon 97204  
(503) 226-7391  
*Attorneys for Defendant*  
*Amazon.com, Inc.*

By:

Steven L. Levitt (SLI 3233)  
STEVEN L. LEVITT & ASSOCS., PC  
Two Hillside Avenue, Building F  
Williston Park, New York 11596  
(516) 248-9700

*Attorneys for Plaintiff*  
*E-Data Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of December, 2005, a copy of STIPULATION OF DISMISSAL between E-DATA and AMAZON.COM was electronically served to attorneys so registered via the SDNY CM/EDF system and by Facsimile to the last known Facsimile Number as set forth below:

Christopher S. Walton  
Raymond M. Galasso  
Simon, Galasso & Frantz  
6300 Bridgepoint Parkway  
Building One, Suite 410 A  
Austin, TX 78730  
*Facsimile Number: (512) 231-1411*

Jeffrey Stewart Love  
Klarquist Sparkman, LLP  
121 SW Salmon Street, Suite 1600  
Portland, OR 97204  
*Facsimile Number: (503) 595-5301*

Dan D Davison  
Fulbright & Jaworski  
2200 Ross Avenue, Suite 2800  
Dallas, TX 75201  
*Facsimile Number: (214) 855-8200*

Shawn Hanson  
Manatt, Phelps & Phillips  
1001 Page Mill Road, Bldg. 2  
Palo Alto, CA 94304  
*Facsimile Number: (650) 213-0260*

James Rittinger  
Satterlee Stephens  
230 Park Avenue, 11<sup>th</sup> Floor  
New York, New York 10169  
*Facsimile Number: (212) 818-9606*

Robert J. Garrey  
Jackson Walker  
901 Main Street, Suite 6000  
Dallas, TX 75202  
*Facsimile Number:* (212) 953-5822

Timothy O'Hearn  
Jones Day  
901 Lakeside Avenue  
Cleveland, OH 44144  
*Facsimile Number:* (216) 579-0212

John M. Bowler  
Troutman Sanders, LLP  
600 Peachtree St. N.E. Suite 5200  
Atlanta, GA 30308  
*Facsimile Number:* (404) 885-3900

Steven Lieberman  
Lisa N. Phillips  
Rothwell, Figg, Ernst & Manbeck  
1425 K Street, N.W. Suite 800  
Washington, DC 20005  
*Facsimile Number:* (202) 783-6031

Adam P. Seitz  
Shook, Hardy & Bacon  
2555 Grand Blvd.  
Kansas City, MO 64108  
*Facsimile Number:* (816) 421-5547

  
Dawn K. Kirk